BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR(CG)

W.P.No. 2295 2003.

Petitioner : Jitendra Kumar Yadav
aged 20 years,
son of late Naresh Prasad Yadav,
(Ex-Assistant Sub Inspector
(Police Station Supela.
Resident of Polsaipara,
Ward No. 23
C/o Shri Ratan Neware, Durg
Tah. & District DURG (C.G.).

P. R. No. 9/3/03
Presented by Shri R.S. Shriwastava
dated 9/3/03

V/S.

Respondents 1. The State Government of Chhattisgarh
Through the Secretary
Home Department,
D.K.S. Bhavan, Raipur (C.G.).

2. The Senior Superintendent of Police,
Durg.

RECEIVED COPY
9/3/03
CLERK TO A.G. BILASPUR

Writ Petition Under Article 226/227 of the Constitution of India.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2295/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15/09/2003 Shri R.S. Shrivastava, counsel for the petitioner. Shri Ranbir Singh, GA for the State. By this writ petition under Article 226/227 of the Constitution of India, the petitioner seeks to challenge the order dated 23/07/2002. (Annexure P/1) by which the petitioner's application was not considered for compassionate appointment on the ground that his brother namely Devendra Kumar is already in the service of Chhattisgarh Electricity Board. The case of the petitioner is that the father of the petitioner namely Naresh Prasad Yadav was working as Assistant Sub-Inspector, PS, Supela. He died in harness when he was in service of the State Police of the M.P on 14/05/1998 and on his death, the petitioner herein applied for compassionate appointment on 09/06/1998, but that application was not considered and thereafter, the petitioner again moved application on 01/04/2002 for the same, but his	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(33)

आदेश पत्रक

मामला क्रमांक W.P.NO.2295/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

application was rejected vide impugned order dated 23/07/2002 (Annexure P/1).

The brother of the petitioner namely Devendra Kumar resides with his family at Khairagarh and he is not providing any help to the family members of late Naresh Prasad Yadav i.e., one son and two daughters, who are without any employment and they have no other source of income.

The counsel for the petitioner submits that the petitioner's case became ripe and due for compassionate appointment just after the death of his father Naresh Prasad Yadav, but the application of the petitioner was not considered and the circular was issued by the Government on 01/05/2000 which is later in time. Therefore, the action of the respondents is arbitrary and they ought to have considered the case of the petitioner on the policy, which was existing at the time of death of his father.

On the other hand, the learned GA for the State opposed the petition.

[पीछे देखिये

XI-HC-22

(94)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.NO.2295/2003

मामला क्रमांक ..... सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Compassionate appointment is always made on the principle that when any Government employee retires or dies while in service and his family members have no source of income except the family pension, therefore, in order to give them financial assistance at least one member of the family is given compassionate appointment. In this case, it is not disputed that the brother of the petitioner namely Devender Kumar is already in the service of Chhattisgarh Electricity Board, therefore, it cannot be said that no family member of late Naresh Prasad Yadav is earning. Mr. Devender Kumar son of late Naresh Prasad Yadav, is in employment, if he is not rendering any financial help to the family members of late Naresh Prasad Yadav, then they cannot blame the State or anybody else. Even if he resides separately and does not provide any financial assistance to the family members of late Naresh Prasad Yadav, the petitioner does not have right to seek appointment on compassionate ground. Moreover, on 1st May, 2000 Government issued a notification/circular that only one family member of a Government employee will be given

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2295/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -५-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

compassionate appointment and if any family member of the Government employee is already in Government employment, then the other family members are not entitled for any employment on compassionate ground.

In view of the above, as the one son of late Naresh Prasad Yadav and the brother of the petitioner is already in employment, therefore, even if the circular dared 1st May, 2000 came into force much later, it makes no difference as one of the family members of late Naresh Prasad Yadav is already in employment, therefore, the petitioner is not entitled for compassionate appointment and his case has been rightly rejected by the Competent Authority. Accordingly, the petition has no force and the same is dismissed.

In view of this order, M.W.P.No.2096/2003 and I.A.Nos. 7060/2003 & 7960/2003 stand disposed of.

Sd/-
L.C.BHADOO
Judge